IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5630 OF 2007

Ashok Ramnath Gawali ....Petitioner
V/s
Sukdeo Deoram Gadakh & Ors..... ....Respondents.

Mr.Anilkumar Patil, Adv. For the petitioner.

Mr.Sachin Kadam, Adv. For the respondent No.1.

CORAM: A.P.DESHPANDE, J.
11/10/07

PC:

The present petitioner came to be elected as member of the gram panchayat and the election of the returned candidate has been challenged by filing election petition by respondent No.1 who is defeated candidate. The respondent No.1 according to the declaration has secured two votes less than the returned candidate. After evidence of the election petitioner was over, the present petitioner moved an application for referring the signature on the application purported to have been filed by the respondent No.1 before the Returning Officer for recounting of votes. The trial Court has rejected the said application by observing that at no point of time the present petitioner has asserted as to who has signed the application for recounting. On facts the trial Court has held that the application for referring signature to the hand writing expert is an attempt to delay the election petition and hence rejected the application. Perused the impugned order. Same does not call for interference. Hence writ petition is summarily dismissed.

11.10.07